



State of Utah

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DIVISION OF WATER QUALITY
Walter L. Baker, P.E.
Director

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MAY 10 2017

Paul Phillips
743 Cobblestone
Heber, UT 84032



DWQ-2017-002717 *Sh*

Subject: **Approval 401 Water Quality Certification with Conditions.**
401 Water Quality Certification No.: DWQ-2016-00912
USACE 404 LOP Permit No.: SPK 2016-00912

Applicant: Paul Phillips, Strawberry Bay Marina

Project: Strawberry Bay Recreation Enhancement Project (Project)

Date of Application: Feb 24, 2017

Requests: (1) Discharge of fill material to Strawberry Reservoir to raise the parking area above the ordinary high-water mark (OHWM)
(2) Eliminate the existing unpaved parking areas located below the OHWM
(3) Implement compensatory mitigation

Purpose: Improvements to the Strawberry Bay Marina

Location: The Project is located at the existing Strawberry Bay Marina at Strawberry Reservoir in Wasatch County, Utah. The Project can be located on the Strawberry Reservoir NW topographic map at Section 32, Township 3South, Range 11 West.

Watercourse: Strawberry Reservoir, Uinta Basin Watershed Management Unit, Wasatch County, Utah

Public Comment Period: 04/04/2017 – 05/04/2017

Comments and Inquiries Received: None

Dear Mr. Phillips:

Pursuant to Section 401 of the Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA), the Utah Department of Environmental Quality, Division of Water Quality (DWQ) certifies that Paul Phillips (Applicant) has provided reasonable assurances that any discharge associated with the proposed Project to Strawberry Reservoir will not violate surface water quality standards, or cause additional degradation in surface waters not presently meeting water quality standards. In accordance with Section 401(a) (1) of the CWA [33 U.S.C. Sec. 1341(a) (1)], DWQ hereby issues this 401 Water Quality Certification (401 WQ Certification) with Conditions to conduct the outlined Project as described in the 401 WQ Certification Application dated Feb. 24, 2017.

The affected portions of the Strawberry Reservoir have the following beneficial uses as stated in Utah

Administrative Code (UAC R317-2-6):

Class 1C – Protected for domestic purposes with prior treatment by treatment processes as required by the Utah Division of Drinking Water.

Class 2B – Protected for infrequent primary contact recreation. Also protected for secondary contact recreation where there is a low likelihood of ingestion of water or a low degree of bodily contact with the water.

Class 3A - Protected for cold water species of game fish and other cold water aquatic life, including the necessary aquatic organisms in their food chain.

Class 4 - Protected for agricultural uses including irrigation of crops and stock watering.

As documented in Utah's 2016 *Integrated Report*, Strawberry Reservoir was assessed as being impaired for designated beneficial use Class 3A due to low dissolved oxygen and high total phosphorous. The Strawberry Reservoir Total Maximum Daily Load (TMDL) addressed this impairment and was approved by U.S. EPA in 2007 (see link https://deq.utah.gov/ProgramsServices/programs/water/watersheds/docs/2007/07Jul/Strawberry_reservoir_TMDL.pdf). The TMDL recommended a load reduction to address phosphorous entering the Strawberry Reservoir through improving road maintenance, dispersed recreation management, grazing management, and riparian habitat to decrease loading sediments and nutrients to streams; fishery management and stocking practices to maintain fishery. Additional Best Management Practices (BMPs) listed include: watershed groundcover, limit herbicides and fertilizers, and management of beaver dams.

Strawberry Reservoir, as defined in the TMDL, begins in Wasatch County, 23 miles east of Heber City on the Strawberry River. At full capacity, Strawberry Reservoir has a surface area of approximately 17,000 acres and an elevation of 7,600 ft. above sea level. Strawberry Reservoir is considered to be Utah's premier trout fishery in terms of angler hours and number of fish produced. It is the destination for over 2 million visitors each year and is one of the most heavily used reservoirs in the State.

The U.S. Army Corps of Engineers (USACE) is requested to include the following Conditions of this 401 Water Quality Certification in the USACE 404 LOP SPK-2016-00912 based on the 401 Water Quality Certification Application dated February 24, 2017, DWQ-2017-001772.

1. Applicant should ensure that all workers involved are continuously aware of the water quality protection measures before the start and during the construction period.
2. Water quality standards in the Strawberry Reservoir could be violated unless appropriate Best Management Practices (BMPs) are incorporated to minimize the erosion-sediment and nutrient load to any adjacent waters during Project demolition, construction and normal operation of the marina. Utah Administrative Code R317-2 requires that the Project and subcontractors cannot increase water turbidity by 10 NTUs in Strawberry Reservoir and if violated shall immediately cease and desist the action causing the exceedance and notify DWQ within 24 hours. A fact sheet describing the Utah Department of Environmental Quality's (DEQ) recommended environmental BMPs for construction sites are located on our web site at: <http://www.deq.utah.gov/Permits/water/updes/docs/utrc00000.pdf>.
3. Adhere to all the water quality protection, erosion control and rehabilitation BMPs listed in the upcoming U.S. Forest Service Environmental Assessment (EA) in Table 3-5 and in Appendix B. This EA is expected to be released to the public in mid-April 2017. It is expected that some

temporary and limited adverse impacts will occur but will be minimized and/or mitigated through the implementation of appropriate design and BMPs.

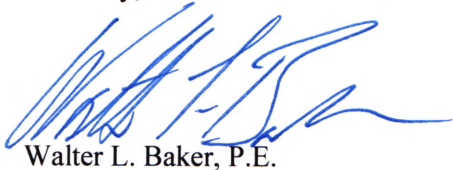
4. All stormwater runoff from the paved areas at the marina, including areas that currently send runoff directly to the Reservoir will be captured with stormwater catch basin control structures to remove oil and grease. Install new stormwater drains that are designed to permanently remove sediment at a minimum efficiency rate of 50% Total Suspended Sediments (TSS) for a 90th percentile runoff event. Stamped Engineers Plans detailing these structures need to be submitted to DWQ prior to Project construction.
5. The storage and refueling areas during construction will be at least 500 feet from the edge of the nearest water body (including wetlands), at least 200 feet from the nearest private water supply well, and at least 100 feet from the nearest municipal water supply well.
6. All construction below the OHWM will occur in the dry bed or standing water, i.e. lake level is below the fill area.
7. The final Project USACE compensatory mitigation and monitoring plan (CMMP) will need to be approved by the DWQ's Uinta Basin Watershed Coordinator. The current mitigation site under consideration is an area along Chipman Creek, a tributary to the Strawberry Reservoir.
8. Utah Code Annotated 19-5-114 requires that any spill or discharge of oil or other substances which may cause pollution to the waters of the State, including wetlands, must be immediately reported to the Utah DEQ Spill Hotline at (801) 536-4123, a 24-hour phone number. The Applicant agrees to fully remediate any spill or discharge in accordance with all applicable regulations.
9. The Applicant must acquire all necessary easements, access authorizations and permits to ensure they are able to implement the Project, including the appropriate Wasatch County agencies.
10. The legislatively-mandated fee for 2017 is \$90.00/hour, for review and issuance of the §401 Water Quality Certification.
<http://www.deq.utah.gov/FeesGrants/fees/docs/2016/DEQFEEDOC17.pdf>, per: (see page 174). A quarterly invoice will be sent to you the plans have been approved. Your payment is due within 30 days.
11. The Applicant shall not use any fill material which may leach organic chemicals (e.g., discarded asphalt), noxious weeds/seeds or nutrients (e.g., phosphate rock) into waters of Utah. All disturbed banks will be reinforced with riprap, erosion fabric, and armored with boulders and other native material to stabilize them and minimize soil loss.
 - a. Construction activities that disturb one acre or more, or are part of a common plan of development, are required to obtain coverage under the Utah Pollutant Discharge Elimination System (UPDES) Storm Water General Permit for Construction Activities, Permit No. UTRC00000. The permit requires the development of a storm water pollution prevention plan (SWPPP) to be implemented and updated from the commencement of any soil disturbing activities at the site until final stabilization of the project. A fact sheet describing the permit application procedures are located on our web site at: www.deq.utah.gov/Permits/water/updes/updes_f.htm
 - b. Dewatering activities, if necessary during the construction, may require coverage under the UPDES General Permit for Construction Dewatering, Permit No. UTG070000. The permit requires water quality monitoring every two weeks to

ensure that the pumped water is meeting permit effluent limitations, unless the water is managed on the construction site. For more dewatering information refer to DEQ's website at: <http://www.deq.utah.gov/Permits/water/updes/docs/utrc00000.pdf>

12. §401 WQ Certification Modification: Without limiting DWQ's discretion to take other actions in accordance with UAC R317-15, and, as applicable, 33 USC 1341, DWQ may modify the 401 WQ Certification to add, delete, or modify the conditions in this 401 WQ Certification as necessary and feasible to address:
- a) Adverse or potentially adverse Project effects on water quality or designated beneficial uses that did not exist or were not reasonably apparent when this 401 WQ Certification was issued
 - b) TMDLs
 - c) Changes in water quality standards
 - d) Any failure of 401 WQ Certification conditions to protect water quality or designated beneficial uses when the 401 WQ Certification was issued
 - e) Any change or unforeseen action in the Project or its operations that will adversely affect water quality standards or designated beneficial uses after this 401 WQ Certification was issued.

Please contact Mr. Bill Damery at (801) 536-4354, wdamery@utah.gov with any questions you may have concerning this 401 Water Quality Certification with Conditions.

Sincerely,



Walter L. Baker, P.E.
Director

WLB: WD: smm

CC: Michael Pectol, USACE, via email

DWQ-2017-002717
DWQ-2017-002717 (application)